

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:12cr221-MHT
	)	(WO)
WENDELL GASKIN	)	

OPINION AND ORDER DENYING SENTENCE REDUCTION

Amendment 782 to the 2014 edition of the Sentencing Guidelines revised the guidelines applicable to drug trafficking offenses. Following the United States Sentencing Commission's decision to give retroactive effect to the amendment, this court established a Retroactivity Screening Panel to determine whether a defendant might be eligible for a reduction of sentence. Upon consideration of the recommendation of the Retroactivity Screening Panel entered March 10, 2017, and after an independent and de novo review of the record, it is ORDERED that defendant Wendell Gaskin is not eligible to receive a reduction in sentence pursuant to Amendment 782 because he received a two-level "Holder" variance at sentencing, which had

the effect of applying the two-level guideline reduction prior to the implementation of Amendment 782. In other words, defendant Gaskin has already been sentenced in accordance with the current guidelines, and is not eligible for a further reduction of his sentence.

DONE, this the 10th day of March, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE